

# **EXHIBIT**

# **D**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF JOEL COUNCIL**

I, Joel Council, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, I was present in the mall area of the World Trade Center when the terrorist attacks of the World Trade Center Towers occurred.

4. I was an employee of The Fitness Company at Three World Trade Center, located at the top of the Marriott Hotel in the building between the north and south towers of the World Trade Center on September 11, 2001.

5. I was in New York City at Ground Zero when the plane(s) hit the towers and I received physical injuries in the escape and collapse. I was in the mall area when I encountered a security officer who was running through the mall telling everyone to leave because of a plane striking the building. I called my wife and she told me about the terrorist attacks and pleaded with me to get out. As I began to run I saw debris flying. When I reached the outside I saw a plane

strike the second tower and people jumping from the North Tower. I began to run at a more rapid pace, but I tripped and fell over a human body. I injured my left knee and my lower back during my fall to the pavement. I managed to get to my feet and I attempted to run into neighboring buildings to escape the carnage, but I could not get through the crowds of people trying to escape the area. I continued to run away from the area. When my strength failed me, I walked as quickly as possible. I managed to get to Brooklyn, and my wife picked me up at our church located at 290 North Flatbush. In the course of the attack and my escape, I witnessed atrocities beyond the imagination of the average citizen. The situation could only be compared to a war zone. I was going about my everyday life in a peaceful manner when we were brutally attacked by terrorists and my life was altered forever.

6. As a result of these terrorist attacks, I suffered the following specific injuries on September 11, 2001: left knee joint effusion, muscle spasms in my neck, a dislocated and bulging disc at the L5-S1 level, major depression, anxiety, and PTSD.

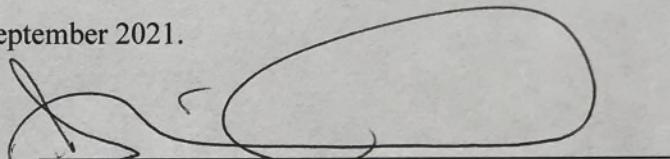
7. I went through traumatic experiences trying to escape Ground Zero. I witnessed hundreds of people jumping and landing to their death. I suffer every day from flashbacks of people jumping from the buildings and seeing them on the ground. I suffer from continued depressive symptoms, including insomnia, moodiness, weight gain, low energy, low interest and loss of enjoyment, impaired concentration due to feeling of being lost.

8. I sought medical attention for my injuries. Attached as Exhibit B to this Declaration is a true and correct copy of my select relevant medical records related to the treatment that I received following the September 11, 2001 terrorist attacks. I suffered, and continue to suffer, severe emotional distress as a result of the above terrorist attacks. I suffered and continue to suffer from anxiety and bouts of depression due to the traumatic events of these terrorist attacks.

9. I previously pursued claims (VCF I Claim Number: 212-001177; VCF II Claim Number: 212-0001888) through the September 11th Victim Compensation Fund (VCF) specifically related to my physical injuries incurred on September 11, 2001. My initial claim filed with the VCF I was determined to be ineligible as the Special Master concluded that I waited more than seventy-two hours after the events of 9/11 to seek treatment for my physical injuries. However, I later filed a claim for my physical injuries from 9/11 with the VCF II, and my claim was determined to be eligible for compensation. Attached as Exhibit C to this Declaration is a true and correct copy of my August 15, 2013, letter from the VCF confirming my claim eligibility due to my left knee and lower back injuries suffered during the September 11, 2001 terrorist attacks.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this 7<sup>th</sup> day of September 2021.



Declarant, Joel Council

Exhibit A  
Proof of Citizenship  
Filed Under Seal  
(ECF No. 5716)

Exhibit B  
Medical Records  
Filed Under Seal  
(ECF No. 5716)

# Exhibit C

## VCF 2 ELIGIBILITY LETTER



September 11th  
Victim Compensation Fund

August 15, 2013

JOEL COUNCIL  
C/O VINCENT PARRETT  
MOTLEY RICE, LLC  
PO BOX 650001  
MT. PLEASANT SC 29465-6501

Dear Joel Council:

Your Eligibility Form for the September 11th Victim Compensation Fund (VCF) has been reviewed. You submitted an Eligibility Form for Personal Injury Claimants. Your claim number is [REDACTED]

#### **The Decision on your Claim**

The VCF has determined that you meet the eligibility criteria established in the statute (the Zadroga Act and the original statute) and regulations<sup>1</sup> and therefore the VCF will review your Compensation Form and supporting materials to determine the amount of any award. Based on information the VCF has received from the World Trade Center Health Program (WTCHP), you have been found eligible for the following injuries:

- Injury to Left Knee
- Low Back Injury

Please note that there are several reasons why an injury that you think should be eligible is not listed above. First, the description of the injury is based on the information provided by the WTCHP and there can be several alternative descriptions for the same injury. Additionally, a WTCHP physician may have provided testing or treatment for an injury even if the WTCHP has not certified that injury for treatment. Finally, your injury may not be listed if it was only recently certified for treatment by the WTCHP. The VCF regularly receives updated information from the WTCHP and will notify you if additional injuries have become eligible.

#### **What Happens Next**

The VCF will determine your compensation award based solely on the eligible injuries listed above. In order for the VCF to do so, you must submit the Compensation Form for Personal Injury Claimants and the required supporting documents. If you have not already done so, please submit the Compensation Form and the required supporting documents as soon as possible. You are encouraged to submit the Compensation Form through the VCF's web-based claim system at [www.vcf.gov](http://www.vcf.gov). If you wish to complete the Compensation Form in hardcopy, you may request the form by contacting the toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call

<sup>1</sup> The statute (the Air Transportation Safety and System Stabilization Act as amended by the Zadroga Act) and the regulations are located at <http://www.vcf.gov/lawRulesOtherDocs.html>.



September 11th  
Victim Compensation Fund

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1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-353-0356.

In addition to the Compensation Form, please also complete and submit the VCF ACH Payment Information Form. This form can be found on our website in Section 8 of the Frequently Asked Questions (FAQs). The completed form must be submitted before the VCF can arrange for any payment.

The VCF will be able to determine your compensation award based on the eligible conditions after all compensation related documents are submitted. When you receive an award letter, you will have the right to appeal. In that appeal, you have the right to assert additional injuries that you believe are eligible and for which you believe you should be compensated. For purposes of the statutory deadlines, the injuries listed in your claim form and the injuries certified as eligible will be deemed "filed". You will receive instructions on the appeal process when you receive the letter with details of your compensation award.

If you have questions about the information in this letter or the claims process in general, please contact our toll-free Helpline at the number noted above. Every effort will be made to respond to your inquiries as soon as possible.

Sincerely,

September 11th Victim Compensation Fund